

REMARKS

Claims 1-4, 8-9, 11-17, 19, 33, and 73-93 are pending. Claims 5-7, 10, 20-30, 32, 34-46, and 48-72 have been cancelled. Claim 1 has been amended to incorporate a feature of original claim 6. Support for the amendment is found at least in claim 6 as originally filed. Claims 8, 12, and 33 have been amended to clarify the subject matter claimed. New claims 73 and 74 were added. Support for the claims is found at least in claim 8 as originally filed. New claims 75-93 have been added. Support for claim 75 is found at least in claims 1 and 14 as originally filed. Support for new claims 76-93 is found at least in the original claims 2-17, 19, and 33. No new matter has been added.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 8, 12, and 33 under 35 U.S.C. §112, second paragraph, as being indefinite.

Applicant has amended the claims for clarification. Applicant has removed the phrase that begins with the word “preferably” from claim 8 and has added new dependent claims, 73 and 74 to include the elements of the invention removed from claim 8. In claim 12, Applicant has added the phrase, “said gel being” to clarify that it is the gel that is diluted 1:2 v/v with water. In claim 33, Applicant has removed the phrase “associated with blowfly strike” to clarify the scope of the claim. On the basis of the amendments, Applicant believes the rejections have been obviated.

Accordingly, withdrawal of the rejection of claims 8, 12, and 33 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Rejections under 35 U.S.C. §102(b)

The Examiner has rejected claims 1-5, 9, 12, 13, and 33 under 35 U.S.C. §102(b) as anticipated by Scesa et al., WO 97/17944.

Applicant has amended claim 1 to indicate that the gel carrier is a synthetic gelling agent based on glyceryl polymethacrylate and propylene glycol. Claim 4 has been cancelled.

Applicant asserts that Scesa et al. reference does not teach a gel that is based on glyceryl polymethacrylate and propylene glycol and therefore claim 1 as amended is not anticipated by Scesa et al. Applicant further asserts that in view of the amendment of claim 1, claims 2-4, 9, 12, 13, and 33, which depend from claim 1, are also not anticipated by Scesa et al.

Therefore, Applicant respectfully requests that the rejection of claims 1-4, 9, 12, 13, and 33 under 35 U.S.C. § 102(b) be withdrawn.

Similarly, Applicant submits that new claims 75-93 are not anticipated by Scesa et al., because Scesa et al. does not teach or suggest a composition that includes Aloe vera.

The Examiner has rejected claims 1-5, 7-9, 11, 12, 19, and 33 under 35 U.S.C. §102(b) as anticipated by Eini et al., EP 0495684.

Applicant has amended claim 1 to indicate that the gel carrier is a synthetic gelling agent based on glyceryl polymethacrylate and propylene glycol. Claims 5 and 7 have been cancelled. Applicant contends that the Eini et al. reference does not teach a gel that is based on glyceryl polymethacrylate and propylene glycol and therefore claim 1, as amended, is not anticipated by Eini et al. Applicant further asserts that in view of the amendment of claim 1, claims 2-4, 8-9, 11, 12, 19, and 33, which depend from claim 1, are also not anticipated by Eini et al.

Therefore, Applicant respectfully requests that the rejection of claims 1-4, 8-9, 11, 12, 19, and 33 under 35 U.S.C. § 102(b) be withdrawn.

Similarly, Applicant respectfully submits that new claims 75-93 are not anticipated by Eini et al. because Eini et al., does not teach or suggest a composition that includes Aloe vera.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 1-17, 19, and 33 under 35 U.S.C. §103(a) as unpatentable over Wark (GB 2341091) and Eini et al., (EP 0495684) in view of Coats (US Patent 4,178,372).

Applicant asserts that the Wark reference (GB 2341091), which was published on March 8, 2000 is not prior art to the instant application, which has the priority date of April 23, 1999. Therefore, the Wark reference can not be used as the basis for the rejections under §103(a).

With respect to the rejection of the claims as unpatentable over Eini et al. in view of Coats, these references, taken together, do not teach all of the limitations of the claimed invention. Claim 1, as amended, includes a gel that is based on glyceryl polymethacrylate and propylene glycol, and neither Eini et al. nor Coats teaches a pharmaceutical composition that includes a gel based on glyceryl polymethacrylate and propylene glycol. Therefore, Applicant respectfully asserts that the combination of the Eini et al. and Coats references does not render obvious amended claim 1, or claims 2-4, 8-9, 11-19, and 33, which depend from claim 1.

Therefore, Applicant respectfully requests the Examiner withdraw the rejection of claims 1-4, 8-9, 11-19, and 33 under 35 U.S.C. §103(a).

Applicant submits that new claims 75-93 are also not obvious based on the Eini reference in view of the Coats reference. The Coats reference reports methods to produce a stabilized Aloe vera composition and reports that such compositions may be used to treat acne and as “an effective nonsteroid anti-inflammatory agent” (Col 6, lines 5-12). The reference reports Aloe vera compositions that may have reduced allergenicity, but does not teach the use of Aloe vera in any insecticidal composition. The Eini et al. reference teaches compositions to treat head lice, but does not teach the inclusion of Aloe vera in such compositions. A *prima facie* case of obviousness must include specific motivation that would lead one of ordinary skill in the art to combine the teachings in the references to reach the claimed invention. Neither the Coats nor Eini et al. references provide motivation to combine Aloe vera with an insecticidal composition for treating lice. Therefore, Applicant submits that the new claims 75-93 are not obvious based on the Eini reference in view of Coat reference.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's representative at the telephone number listed below.

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If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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